

**INTERAGENCY AGREEMENT AMONG
THE PROBATE COURTS,
THE SUPERIOR COURT FOR JUVENILE MATTERS AND
THE DEPARTMENT OF CHILDREN AND FAMILIES**

In the interest of the meeting the needs of abused and neglected children and preventing cases involving a child from being heard simultaneously in more than one court the parties agree to the following protocols:

1. DCF duty to notify. Whenever the Department of Children and Families (hereinafter "DCF") is involved in a proceeding in the Superior Court for Juvenile Matters (hereinafter "Superior Court") or a Probate Court, DCF shall submit an affidavit to such court indicating that the assigned worker has made diligent and current efforts to determine if a matter concerning the same child is pending in any other Superior Court. DCF shall notify both the Superior Court and the Probate Court immediately upon discovery that a matter concerning the same child is pending in another court.
2. Prior pending matter in Superior Court. When a matter is pending in the Superior Court prior to the filing of a petition in a Probate Court concerning the same child, the Probate Court shall dismiss the petition.
3. Prior pending matter in Probate Court.
 - a. Matter is pending only in Probate Court. If a Probate Court matter is pending and no case concerning the same child is pending in the Superior Court, DCF may, as part of its investigation, determine whether family needs would be better served through the Superior Court. Factors involved may include, without limitation, whether the child is already living with a suitable relative and whether the family requires services from DCF. If DCF files a neglect petition in the Superior Court based upon the determination, it shall provide the Probate Court with sufficient evidence of the filing in the Superior Court, and the matter shall be addressed in accordance with subparagraph (b).
 - b. DCF files petition in Superior Court while matter is pending in Probate Court. If DCF files a petition in the Superior Court while a matter is already pending in a Probate Court, DCF shall notify both the Superior Court and the Probate Court immediately that the matter is pending in both courts. The judges of the Superior Court and the Probate Court shall communicate to determine which court should proceed and which court should dismiss the matter. The courts may allow the parties to participate in the communication. A record must be made of a communication under this section. The parties must be informed promptly of the communication and granted access to the record. For purposes of this section, "record" means information that is inscribed on a tangible medium or that is stored in an electronic or other medium and is retrievable. Notwithstanding the foregoing, communications between courts on schedules, calendars, court

records and similar matters may occur without informing the parties and a record need not be made of the communication.


- c. Probate Court grants custody or guardianship to DCF. If a Probate Court appoints DCF as temporary custodian or guardian of a child, DCF will immediately file a petition for neglect in the Superior Court and will notify the Probate Court upon completion of the filing. The Superior Court will assume jurisdiction. The Probate Court will defer further action and dismiss the matter upon the issuance of any Superior Court order regarding custody of the child.
- d. Emergency Action by DCF. Nothing herein shall prevent DCF from executing a 96 hour hold or filing a petition for an order of temporary custody in the Superior Court for a child about whom a Probate Court has a prior pending matter if DCF believes the conduct of the parent, temporary custodian, or guardian who has custody as a result of the Probate Court's order justifies the hold or order of temporary custody. DCF shall immediately notify the Probate Court of the agency's action and report to the Probate Court regarding the outcome of the proceedings in the Superior Court following the ten day OTC hearing. If the Superior Court grants the petition for an order of temporary custody, the Probate Court will dismiss any pending matter involving the child.
4. Prior DCF involvement without court action. If the Probate Court becomes aware that a family member involved in a matter has previously entered into a Safety Agreement/Service Agreement with DCF, the Probate Court will, prior to acting on the matter, contact the DCF social worker or supervisor to determine if DCF intends to file a neglect petition in the Superior Court. If DCF indicates that it does not plan to file a neglect petition, the probate proceeding shall continue. If DCF indicates that it plans to file a neglect petition, this will be done within eight days, and DCF will notify the Probate Court upon completion of the filing, after which the Probate Court will dismiss the matter. If DCF fails to file a neglect petition within that time, the probate proceedings shall continue.


Honorable Joette Katz
Commissioner, Dept. of Children & Families

Nov. 21, 2011
Date


Honorable Barbara Quinn
Chief Court Administrator

11/28/2011
Date


Honorable Paul J. Knierim
Probate Court Administrator

11-17-11
Date